

## **REMARKS**

Prior to this Reply, Claims 1-23 were pending. Through this Reply, Claims 3, 4, 6, 10-18, 20 and 21 have been cancelled without prejudice to, or disclaimer of, the subject matter claimed therein. Furthermore, Claims 1, 5, 19, 22 and 23 have been amended. No claims have been added. Accordingly, Claims 1, 2, 5, 7-9, 19, 22 and 23 are now at issue in the present case.

### **I. Allowable Subject Matter**

The Examiner objected to Claims 4, 6, 21 and 22 as being dependent upon a rejected base claim. However, the Examiner indicated that such claims would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims.

In response, Applicants have amended Claim 1 to include the limitations of Claims 3 and 4. Furthermore, Applicants have amended Claim 5 to include the limitations of Claims 1 and 6. In addition, Claim 19 has been amended to include the limitations of Claim 21.

### **II. Rejection of Claims 23 Under 35 U.S.C. § 112**

The Examiner rejected Claim 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner found that the term “expected capacitance” lacked antecedent basis.

In response, Applicants have amended Claim 23 so that it depends from Claim 22. Applicants believe that proper antecedent basis is now provided for the term “expected

capacitance.” Accordingly, Applicants believe that the rejection of Claim 23 under 35 U.S.C. § 112, second paragraph, has been overcome.

### **III. Claim 22**

As indicated above, the Examiner objected to Claim 22 as being dependent upon a rejected base claim. The Examiner indicated that Claim 22 would be allowable if rewritten in independent form to include all of the limitations of its base claim and any intervening claims.

Instead, Applicants have rewritten Claim 22 to include the limitations of Claim 19 only. Applicants believe that U.S. Patent No. 4,514,773 to Susz (hereinafter “Susz”) does not disclose the step of “dividing said total capacitance by an expected capacitance and rounding to the closest natural number” in ascertaining the number of piezoelectric elements. Accordingly, Applicants believe that Claim 22 is patentably distinguishable from Susz.

### **IV. Drawings**

The Examiner noted that the application lacks formal drawings. The Examiner indicated that the informal drawings filed in the application were acceptable for examination purposes. However, the Examiner indicated that Figure 1 should be designated by a legend such as –Prior Art– because only that which is old is illustrated.

In response, Applicants are submitting replacement Figure 1 (contained on Replacement Sheet 1) to add the legend as required by the Examiner. No new matter has been added.

**V. Additional Claim Fees**

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

**Fee Calculation Table**

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	9	Minus	23	= 0	x \$18 =	\$ 0.00
Independent (37 CFR 1.16(b))	4	Minus	3	= 1	x \$86 =	\$ 86.00

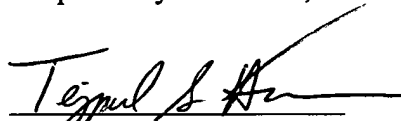
As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for twenty-three (23) total claims and for three (3) independent claims. Therefore, Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-2198 in the amount of \$86.00 for the presentation of one (1) independent claim over three (3). Although Applicants believe that no other fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

**VI. Conclusion**

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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